

**ASSEMBLY BILL**

**No. 938**

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**Introduced by Assembly Member V. Manuel Pérez**

February 18, 2011

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An act to amend Sections 116450 and 116761.23 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as introduced, V. Manuel Pérez. Public water systems.

(1) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

Existing law establishes the Safe Drinking Water State Revolving Fund that is continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards.

Under existing law, the funding for grants for planning, engineering studies, environmental documentation, and design of a single project is set at a maximum of \$500,000. Existing law requires total funding for planning, engineering studies, project design, and construction costs of a single project, whether in the form of a grant, a loan, or both, to be determined by an assessment of affordability using criteria established by the department.

This bill would add environmental documentation to the costs of a single project that the department is required to determine by an assessment of affordability.

(2) Existing law requires that various notices be made by a public water system and others regarding compliance with safe drinking water requirements.

This bill would require, commencing July 1, 2012, that written public notice given by a public water system pursuant to these provisions be in English, Spanish, and in the language spoken by prescribed numbers of residents of the community served, and that the notice contain prescribed public water system contact information. The bill would also require nonwritten notice be provided to persons served in the appropriate language or languages in a manner approved by the department in the public water system's emergency notification plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 116450 of the Health and Safety Code
- 2 is amended to read:
- 3 116450. (a) When any primary drinking water standard
- 4 specified in the department's regulations is not complied with,
- 5 when a monitoring requirement specified in the department's
- 6 regulations is not performed, or when a water purveyor fails to
- 7 comply with the conditions of any variance or exemption, the
- 8 person operating the public water system shall notify the
- 9 department and shall give notice to the users of that fact in the
- 10 manner prescribed by the department. When a variance or an
- 11 exemption is granted, the person operating the public water system
- 12 shall give notice to the users of that fact.
- 13 (b) When a person operating a public water system determines
- 14 that a significant rise in the bacterial count of water has occurred
- 15 in water he or she supplies, the person shall provide, at his or her
- 16 expense, a report on the rise in bacterial count of the water, together
- 17 with the results of an analysis of the water, within 24 hours to the
- 18 department and, where appropriate, to the local health officer.
- 19 (c) When the department receives the information described in
- 20 subdivision (b) and determines that it constitutes an immediate
- 21 danger to health, the department shall immediately notify the

1 person operating the public water system to implement the  
2 emergency notification plan required by this chapter.

3 (d) In the case of a failure to comply with any primary drinking  
4 water standard that represents an imminent danger to the health  
5 of water users, the operator shall notify each of his or her customers  
6 as provided in the approved emergency notification plan.

7 (e) In addition, the same notification requirement shall be  
8 required in any instance in which the department or the local health  
9 department recommends to the operator that it notify its customers  
10 to avoid internal consumption of the water supply and to use bottled  
11 water due to a chemical contamination problem that may pose a  
12 health risk.

13 (f) The content of the notices required by this section shall be  
14 approved by the department. Notice shall be repeated at intervals,  
15 as required by the department, until the department concludes that  
16 there is compliance with its standards or requirements. Notices  
17 may be given by the department.

18 In any case where public notification is required by this section  
19 because a contaminant is present in drinking water at a level in  
20 excess of a primary drinking water standard, the notification shall  
21 include identification of the contaminant, information on possible  
22 effects of the contaminant on human health, and information on  
23 specific measures that should be taken by persons or populations  
24 who might be more acutely affected than the general population.

25 (g) Whenever a school or school system, the owner or operator  
26 of residential rental property, or the owner or operator of a business  
27 property receives a notification from a person operating a public  
28 water system under any provision of this section, the school or  
29 school system shall notify school employees, students and parents  
30 if the students are minors, the owner or operator of a residential  
31 rental property shall notify tenants, and the owner or operator of  
32 business property shall notify employees of businesses located on  
33 the property.

34 (1) The operator shall provide the customer with a sample  
35 notification form that may be used by the customer in complying  
36 with this subdivision and that shall indicate the nature of the  
37 problem with the water supply and the most appropriate methods  
38 for notification that may include, but is not limited to, the sending  
39 of a letter to each water user and the posting of a notice at each  
40 site where drinking water is dispensed.

(2) The notice required by this subdivision shall be given within 10 days of receipt of notification from the person operating the public water system.

(3) Any person failing to give notice as required by this subdivision shall be civilly liable in an amount not to exceed one thousand dollars (\$1,000) for each day of failure to give notice.

(4) If the operator has evidence of noncompliance with this subdivision the operator shall report this information to the local health department and the department.

*(h) Notwithstanding any other provision of law, commencing July 1, 2012, a written public notice given by a public water system pursuant to this section shall comply with all of the following:*

*(1) It shall be provided in English, Spanish, and in the language spoken by any non-English-speaking group that exceeds 10 percent of persons served by the public water system.*

*(2) It shall contain a telephone number or address where residents may contact the public water system for assistance.*

*(3) For each group that speaks a language other than English or Spanish and that exceeds 1,000 residents but is less than 10 percent of the persons served by the public water system, the notice shall contain both of the following in the appropriate language:*

*(A) Information regarding the importance of the notice.*

*(B) A telephone number or address where those residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language.*

*(i) Nonwritten notification shall be provided to persons served in the appropriate language or languages, as approved by the department in the public water system's emergency notification plan.*

SEC. 2. Section 116761.23 of the Health and Safety Code is amended to read:

116761.23. (a) The maximum amount of a planning grant permitted under this chapter for each participating public water system's share of the costs of the planning, engineering studies, environmental documentation, and design of a single project shall be no more than five hundred thousand dollars (\$500,000).

(b) Unless the department approves an increase pursuant to this subdivision, the maximum amount of a construction grant award authorized under this chapter to each participating public water system for its share of the cost of the construction of a single

1 project shall be no more than three million dollars (\$3,000,000).  
2 The department may approve an increase in the maximum amount  
3 for a construction grant award authorized under this chapter so  
4 that the maximum amount of the construction grant award does  
5 not exceed ten million dollars (\$10,000,000) only if the department  
6 makes all of the following findings:

7 (1) A public water system that serves a disadvantaged  
8 community has a defined project need that exceeds the maximum  
9 grant amount of three million dollars (\$3,000,000).

10 (2) The defined project has been bypassed in at least one funding  
11 cycle due to a lack of funds.

12 (3) The defined project is eligible for funding pursuant to the  
13 program regulations.

14 (4) The defined project represents the highest public health risk  
15 among unfunded projects, as determined by the department  
16 according to its standard criteria.

17 (c) Total funding under this article for planning, engineering  
18 studies, *environmental documentation*, project design, and  
19 construction costs of a single project, whether in the form of a loan  
20 or a grant, or both, shall be determined by an assessment of  
21 affordability using criteria established by the department.